

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 KIETH C. SHELSTAD,

8 Plaintiff,

9 v.

10 TGS AVIATION SERVICES, INC.,

11 Defendant.
12

Case No. 2:16-CV-2671-KJD-CWH

ORDER

13 Presently before the Court is Defendant's Motion to Dismiss (#65). Though the time for
14 doing so has passed no response in opposition has been filed. On October 31, 2018, the
15 magistrate judge granted (#62) Plaintiff's counsel's motion to withdraw. The court ordered
16 Plaintiff to file notice of whether he would continue to represent himself or seek to retain new
17 counsel. Plaintiff failed to respond in any manner. On December 4, 2018, the magistrate judge
18 ordered Plaintiff to show cause why sanctions, up to and including dismissal, should not be
19 imposed for his failure to respond. Plaintiff did not respond to the order to show cause. On
20 January 11, 2019, Defendant filed the present motion to dismiss for failure to comply with the
21 Court's order and failure to prosecute. Other than the pending motion to dismiss and Plaintiff's
22 counsel's motion to withdraw, no action of record has been taken in this action since February
23 26, 2018. On January 11, 2019, the Court notified (#66) Plaintiff that failure to respond to
24 Defendant's motion would result in dismissal of this action. He failed to respond.

25 Therefore, in accordance with Local Rule 7-2(d), Federal Rule of Civil Procedure 41(b)
26 and Local Rule 41-1, the Court finds good cause to dismiss this action having considered all the
27 factors and finding that they all weigh in favor of dismissal. See In Re Phenylpropanolamine
28 (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006).

1 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (#65) is
2 **GRANTED with prejudice;**

3 IT IS FURTHER ORDERED that the Clerk of the Court enter **JUDGMENT** for
4 Defendant and against Plaintiff.

5 Dated this 15th day of March, 2019.

6
7 

8 Kent J. Dawson
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28